(95)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No.4698 of 2006

PETITIONERS

1. Jitendra Pal Singh
   Aged about 30 years
   S/o Kuljeet Singh

2. Suminder Pal Singh
   Aged about 29 years
   S/o Kuljeet Singh

3. Smt. Charan Jeet Kaur
   Aged about 52 years, W/o Sardar
   Kuljeet Singh Arora

4. Taran Jeet Kaur
   Aged about 26 years
   D/o Kuljeet Singh Arora
   R/o. Near Panchvati Higher Secondary School, by the side of High Court Building Bilaspur (C.G.)

Versus

RESPONDENTS

1. State of Madhya Pradesh
   Through : Principal Secretary
   Ministry of Home, Government of Madhya Pradesh, Vallabh – Bhawan
   Bhopal (M.P.)

2. State of Chhattisgarh
   Through : Principal Secretary
   Ministry of Home of
   Government of Chhattisgarh
   D.K.S. Bhawan, G.E. Road,
   Raipur (C.G.)

3. Station House Officer
   Mahila Police Station
   Sagar (Madhya Pradesh)

4. Smt. Gurmeet Kaur
   Aged about 28 years
   W/o Sardar Jitendra Pal Singh Arora
   R/o House No. 296
   Behind Apsara Talkies, Sagar
   (Madhya Pradesh)

5. Hon'ble Judicial Magistrate
   First – Class, Sagar (M.P.)
   (Presiding Officer – Shri M.K. Tiwari)

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Present : Shri V.G. Tamaskar, learned counsel for the petitioners.
Shri Sanjay S Agrawal, learned Govt. Adv. for the State.

ORAL ORDER
(Passed on 30th August, 2006)

To state the case of the petitioners, in brief, is that the Judicial Magistrate First Class, Sagar, in the State of Madhya Pradesh, has no jurisdiction to take cognizance of the Case No. 3284 of 2006 relating to the State of M.P. Vs. Jitendra Pal Singh and others. So alleging, the petitioners have filed this writ petition to quash Case No. 3284 of 2006. In addition, the petitioners have also sought for a direction to the State of M.P. to initiate disciplinary action against the Station House Officer, Mahila Police Station, Sagar, in the State of Madhya Pradesh. The petitioners have also arrayed Judicial Magistrate First Class, Sagar (M.P.) as a party respondent No. 5 to this writ petition. The 5th respondent is not functioning as a Judicial Officer within the State of Chhattisgarh. The Madhya Pradesh High Court is the appropriate High Court to assail the correctness of the order of the 5th respondent. If the petitioners are of the thinking that taking cognizance of the Case No. 3284 of 2006 by the learned Magistrate is illegal, the M.P. High Court has the power of superintendence under Article 227 of the Constitution of India over the Judicial Magistrate First Class, Sagar. It has also disciplinary power on the administrative side to take disciplinary action against the said Judicial Magistrate. The direction sought against the 1st respondent to initiate the disciplinary action against the respondent No.3 squarely false within the jurisdiction of the M.P. High Court. In view of this, the writ petition is dismissed. However, this order shall not come in the way of the petitioners from pursuing remedies before the M.P. High Court, if they are so advised.

Sd/-
Chief Justice

Kamale